



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CIVIL APPLICATION NO. 504/2025 IN
SECOND APPEAL NO. 490/2023

(Shri Nitin s/o. Eknath Shendre Vs. Shri Sanjay Baban Kakde)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A. Tripathi, Advocate h/f Mr. Harish Dangre, Advocate for
applicant/appellant.

CORAM: ROHIT W. JOSHI, J.
DATED : 09/05/2025.

Heard.

2. Present application is filed under Order V Rule 20 of the Code of Civil Procedure seeking to serve the respondent by substitute service. The notice issued to the respondent pursuant to order dated 21.06.2024, was initially returned back with an endorsement, 'Noticee not residing on given address'. Thereafter, vide order dated 12.07.2024, learned Registrar (Judicial) permitted appellant to serve respondent through paper publication. However, at that time although substantial question of law was framed, notice issued vide order dated 21.06.2024 was not a notice for final disposal. Thereafter vide order dated 06.03.2025, this Court issued fresh notice to the respondent

indicating that the appeal would be heard finally at the stage of admission. Vide order dated 17.04.2025, appellant was permitted to serve respondent through registered post. The notice issued through registered post is returned unserved with an endorsement, 'Item Returned Addressee Left without instruction'.

3. A perusal of the impugned judgment and order dated 06.06.2023 passed by learned First Appellate Court would indicate that respondent did not appear to contest the said proceedings. In that view of the matter, application is allowed. The appellant is permitted to serve the respondent through News Paper Publication in "Dainik Bhaskar Daily" and also by pasting copy of the notice on the last known address of the respondent.

4. Civil application stands disposed of accordingly.

5. Notice is made returnable on 18.06.2025.

(ROHIT W. JOSHI, J.)